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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ALFREDO CORTEZ,

Defendant and Appellant.

B147262

(Los Angeles County
Super. Ct. No. VA059907)

THE COURT:*

Appellant Alfredo Cortez appeals from the judgment entered following his pleas of no contest to the offenses of assault with a firearm (Pen. Code., § 245, subd. (a)(2)) (count 1); unlawful driving or taking of a vehicle (Veh. Code., § 10851, subd.(a)) count 4); evading an officer (Veh. Code, § 2800.2, subd. (a)) (count 5); and being a felon in possession of a firearm (Pen. Code, § 12021, subd. (a)(1)) (count 6). With respect to count 1, appellant admitted the allegations that the offense was committed for the benefit of, at the direction of, and in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)); that he was personally armed with a firearm (Pen. Code, § 12022.5, subds. (a) & (d)), and that he had suffered a prison prior (Pen. Code, § 667.5, subd. (b)). With

* NOTT, Acting P.J., DOI TODD, J., and ASHMANN-GERST, J.

respect to count 6, appellant admitted the allegation that he had suffered a prior felony conviction. On the People's motion, the trial court dismissed the remaining counts.

In accordance with appellant's plea bargain, the trial court sentenced him to 20 years in state prison. This consisted of the high term of four years on count 1, three years for the gang allegation, ten years for the arming allegation, and one year for the prison prior, for a total sentence of 18 years on count 1. Appellant was sentenced to one-third the mid-term, or eight months, on each of the remaining counts (counts 4, 5 and 6). We appointed counsel to represent him on this appeal.

After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. On March 19, 2002, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

We note that there is a discrepancy between the oral pronouncement of judgment and the abstract of judgment in the record. The abstract incorrectly describes the offense in count 4 as that of assault with a firearm. Count 4 consisted of the unlawful driving or taking of a vehicle, a violation of Vehicle Code section 10851, subdivision (a). Also, count 5 (eluding a pursuing peace officer) is incorrectly described as a Penal Code violation rather than a Vehicle Code violation of section 2800.2.

Apart from these clerical errors, after having examined the entire record, we are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed. The clerk of the superior court is ordered to correct the described errors in the abstract of judgment and forward a corrected copy to the Department of Corrections.

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